

## STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. S-05/09-285  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals a decision of the Office of Vermont Health Access (OVHA) not to provide reimbursement to the petitioner under Medicaid for dental services she has scheduled with a dentist who does not accept Vermont Medicaid.

## DISCUSSION

The petitioner is a recipient of Medicaid benefits. She recently scheduled an appointment with a dentist who does not accept Medicaid payments. The petitioner maintains that she has had difficulty finding another dentist in her area who accepts Medicaid. Therefore, she has requested reimbursement from Medicaid for the out-of-pocket expenses she will incur if she obtains the services of this dentist.

At a hearing in the matter held on June 4, 2009, the Department provided the petitioner with the names of other dentists in her area that accept Medicaid patients. She was also informed of the availability of Medicaid transportation

services if she is forced to use a Medicaid provider located out of her area of residence.

The Medicaid regulations specifically preclude payments for "items and services ordered by an individual not enrolled as a Medicaid provider". W.A.M. § M151.1(I). The regulations define providers as those "currently approved to provide medical assistance to a beneficiary pursuant to the Vermont Medicaid Program". Id. § M155.1. Moreover, § M152 provides that Medicaid payments cannot be made directly to a recipient.

In this case, the petitioner does not dispute the Department's representation that the provider in question is not and has refused to become enrolled in Vermont Medicaid, and there is no question that the Department's decision not to cover the services in question under Medicaid is supported by the regulations. Thus, the Board is bound to affirm the Department's decision in this case. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

ORDER

The Department's decision is affirmed.

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